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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/303,632 05/03/99 LEBEAU

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EXAMINER

MMC2/0621

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GROHUSKY, J

ART UNIT

PAPER NUMBER

2854

DATE MAILED:

06/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/303,632**

Applicant(s)  
**Cheryl B. Lebeau et al.**

Examiner  
**Leslie Grohusky**

Group Art Unit  
**2854**



☒ Responsive to communication(s) filed on May 3, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference numeral **33** described on page 5, line 22. Correction is required.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: reference numeral **27** in Figure 7; reference numerals **28, 29, and 30** in Figure 8; and reference numeral **30** in Figure 9 do not appear to be described in the specification. Correction is required.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sheet being in the form of an envelope with an elongated opening extending along one side edge portion and generally to a midpoint along a top edge portion as recited in claims 7, 11, and 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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### *Specification*

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The language in claims 7, 11, and 18 including the idea that the sheet is formed as an envelope with an elongated opening adjacent one corner and extending along one side edge portion and generally to a midpoint along a top edge portion does not have any proper antecedent basis in the specification.

### *Claim Objections*

6. Claims 1-20 are objected to because of the following informalities: With respect to claim 1, the terms “the entire upper surface” and “the operator’s ability” have no proper antecedent basis since neither term has been previously recited. To correct this problem, it is suggested that the term “the” in each case be deleted and replaced with --an--. Furthermore, it is suggested that the term “a transparent sheet” be deleted and replaced with --at least one transparent sheet-- since claims 8-11 recite that the cover can be formed from two sheets. This change will insure that claims 8-11 have the proper format of further limiting claim 1. As the claims are now written, claims 8-11 appear to be improperly modifying claim 1. Additionally in claim 1, the phrase “between the keyboard” in line 5 appears to be missing some language. It appears that applicant inadvertently left out some language, such as that which appears in lines 5-6 of claim 12.

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With respect to claim 2, the term “said top edge portion” in lines 4-5 has no proper antecedent basis since only a top edge portion of the sheet (and not the keyboard) has previously been recited. Also, it is suggested that the term “said keyboard” be deleted and replaced with --the keyboard-- to make it clear that applicant is not intending to positively recite the keyboard as part of the claimed subject matter.

With respect to claim 3, the terms “said top and bottom edge portions” have no proper antecedent basis since these items were previously recited only in claim 2.

With respect to claim 8, it is suggested that the term --each-- be inserted before the term “said” in line 1 and that the term “lower” in line 6 be deleted and replaced with --bottom-- to use language that is consistent with that used in claim 1. Furthermore, it is suggested that the phrase --, each sheet-- be inserted after “film” in line 2 to provide less awkward claim language. Additionally, it appears that the term “envelope” in line 5 should be --envelop-- since it appears applicant is using the term as a verb and not a noun.

With respect to claim 9, the term “a top edge” in line 3 should be deleted and replaced with --said top edge-- since the top edge was previously recited in claim 8.

With respect to claim 10, the claim language is somewhat confusing since the elongated bottom edge has already been recited in claim 8. To correct this problem, it is suggested that the following changes be made: In lines 2-3, the term --also-- should be inserted after “are” and the phrase “both said long edges” should be deleted and replaced with --said elongated top edge

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portion--. Additionally, in line 3, the phrase --of the-- should be inserted after “one” and in line 4, the term “open” should be deleted from its current location and replaced at the end of the line.

With respect to claim 12, see the above comments with respect to claim 1.

With respect to claim 13, see the above comments with respect to claim 2.

With respect to claim 14, see the above comments with respect to claim 3.

With respect to claims 16 and 19, it appears that the claim dependency of each of these claims is incorrect and that applicant intends for each of these claims to depend on claim 12 instead of claim 1. As the claims are currently written, claim 16 is almost identical to claim 5 and claim 19 is almost identical to claim 8. Furthermore, the claim preamble of each claim is inconsistent with that of claim 1 since claim 1 is drawn to a package of covers.

Additionally, with respect to claim 19, note the above comments with respect to claim 8.

With respect to claim 20, note the above comments with respect to claim 9.

Appropriate correction and/or clarification of these problems is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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8. Claims 1, 4, 12, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Richardson (US 5,944,432). Richardson teaches a package of disposable transparent covers 6 for protecting a keyboard 11 wherein each cover includes a transparent sheet of pliable plastic film to protect the upper surface of the keyboard as recited wherein each sheet is of a predetermined size including a long top edge, a long bottom edge, and two short side edge portions. See in particular Figures 1a and 2a and column 1, lines 37-67. Additionally, note that the last 4 lines of the claim is merely a functional statement of a desired mode of operation.

With respect to claims 4 and 15, note the sheet 6 is drawn across the stretcher 3 and therefore covers the entire keyboard and thus, will inherently protect both the upper and lower surfaces of the keyboard, as broadly recited by applicant.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5,944,432) as applied to claims 1, 4, 12, and 15 above, and further in view of Morse (US 4,438,300). Richardson teaches structure as recited with the exception of the

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transparent sheet including strips of adhesive to allow the sheet to be attached to the keyboard.

Morse teaches a transparent protective cover **10** for a keypad including adhesive strips **21** along each side to facilitate attachment of the cover to the push-button array, as shown in Figures 4-5 and taught in column 3, lines 32-38. In view of this teaching, it would have been obvious to use adhesive strips as taught by Morse on the keyboard cover of Richardson in order to provide better securing of the cover to the keyboard.

11. Claims 5-7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5,944,432) as applied to claims 1, 4, 12, and 15 above, and further in view of Nopper et al. (US 5,021,638) and Weill et al. (US 5,931,297). Richardson teaches structure as recited with the exception of the sheet having an upper and lower member adapted to overlie the upper and lower surfaces of the keyboard as recited. Nopper et al. teach a flexible keyboard cover designed as a single sheet including an upper portion **24** and a lower portion **50, 40** that can wrap around the ends of the keyboard to completely enclose it, as shown in Figure 3a and described in column 4, lines 36-56. Furthermore, Weill et al. teach a flexible cover **10** for a keyboard including an upper member **17** being adapted to overlie the upper surface of the keyboard and a lower member **29** adapted to overlie the bottom surface of the keyboard. See in particular Figure 1 and column 4 of Weill et al. In view of these teachings, it would have been obvious to make the protective sheet of Richardson have an upper and lower member that could wrap around the keyboard as taught by Nopper et al. and Weill et al. to provide an enclosure



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surrounding a keyboard which is completely disposable and replaceable to protect the keyboard from contaminants.

With respect to claims 6 and 17, note the cover of Weill et al. includes an opening **12** along an elongated top edge portion **18**, as shown in Figure 1.

With respect to claims 7 and 18, note Weill et al. teach a cover formed as an envelope including an opening to allow the keyboard to be placed inside the cover and furthermore, there is no unobviousness in providing an opening along any edge portion of the cover for ease of entry (such as in a sleeping bag). It appears that the selection of which edge is open to allow insertion of the keyboard involves nothing more than an obvious matter of design choice and can depend on such factors as whether the user is right-handed or left-handed.

12. Claims 8-11 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US 5,944,432) as applied to claims 1, 4, 12, and 15 above, and further in view of Crozier (US 5,080,155). Richardson teaches structure as recited with the exception of the keyboard cover being formed from two identical sheets being joined together to envelop the surfaces of the keyboard. Crozier teaches a transparent, flexible keyboard cover comprising two flat sheets **22**, **26** which are joined together along the bottom edge as shown in Figures 2 and 4 and described in column 2, lines 44-49. With regards to whether the two sheets are “identical,” note that although Crozier teaches that the bottom sheet material may be thicker or opaque to better distinguish it from the top sheet (column 2, lines 41-44), the teachings of Crozier also do

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not preclude the sheets from being identical. In particular, Crozier teaches the cover comprises a bag-like structure made of at least one panel of flexible transparent material in column 1, lines 35-39 and goes on to state that the side or end panels and the bottom panel may be made of the same material as the top panel in column 2, lines 36-42. Thus, in view of this teachings, it would have been obvious to one of ordinary skill in the art to use identical sheets for the cover for a keyboard to simplify manufacture of the cover. Furthermore, it would have been obvious to make the keyboard cover of Richardson include two identical sheets which are joined together along the bottom edge as taught by Crozier in order to provide a disposable cover which completely surrounds the keyboard to protect it from harmful substances.

With respect to claims 9-11 and 20, note that the keyboard cover of Crozier includes an opening 17 along one side edge for installation and removal of the keyboard, as shown in Figure 2 in particular. Furthermore, note that the particular location of the opening along any particular edge or edges appears to require simply an obvious matter of design choice.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matone, Jr. et al. (US 4,758,712), Parker (US 4,922,980), and Adair (US 5,812,188) each teach a keyboard cover with obvious similarities to the claimed subject matter.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie Grohusky** whose telephone number is **(703) 308-0786**. The examiner can normally be reached Monday - Thursday between the hours of 7:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719. The fax phone number for informal papers in this Group is (703) 308-5841. The fax phone numbers for formal/official papers in this Group are (703) 308-7722 and 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

*ljg*

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June 19, 2000

*Leslie Grohusky*

Patent Examiner

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